

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

DEANNA DWYER, INDIVIDUALLY  
AND AS NEXT FRIEND FOR  
BLAKE DWYER, A MINOR

V.

CITY OF CORINTH, TEXAS, A TEXAS HOME RULE CITY, DEBRA BRADLEY, CHIEF OF POLICE OF THE CITY OF CORINTH, KEVIN TYSON, A POLICE OFFICER FOR THE CITY OF CORINTH, CRAIG HUBBARD, A POLICE OFFICER FOR THE CITY OF CORINTH, CARSON CROWE, A POLICE OFFICER FOR THE CITY OF CORINTH, AND TASER INTERNATIONAL, INC.

CASE NO. 4:09-CV-198  
(Judge Schneider/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On July 23, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations with regard to Defendant City of Corinth's Motion for Summary Judgment (Dkt. #66), Defendant Carson Crow's Motion for Summary Judgment (Dkt. #67), Defendant Craig Hubbert's Motion for Summary Judgment (Dkt. #68), and Defendant Kevin Tyson's Motion for Summary Judgment (Dkt. #69).

The Court, having made a *de novo* review of the objections raised by Defendant, Officer Kevin Tyson, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** as follows:

1. Defendant City of Corinth's Motion for Summary Judgment (Dkt. #66) is **GRANTED**.
2. Defendant Carson Crow's Motion for Summary Judgment (Dkt. #67) is **GRANTED**.
3. Defendant Craig Hubbert's Motion for Summary Judgment (Dkt. #68) is **GRANTED**.
4. Defendant Kevin Tyson's Motion for Summary Judgment (Dkt. #69) is **GRANTED** in part and **DENIED** in part.

- Plaintiff's cause of action for failure to intervene is dismissed.
- Plaintiff's cause of action for use of excessive force is not dismissed.

**IT IS SO ORDERED.**

**SIGNED this 18th day of August, 2010.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE